

HOUSE BILL 849

J1, O2

0lr2639

By: **Delegate Hubbard**

Introduced and read first time: February 10, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Home– and Community–Based**
3 **Services Waiver – Denial of Access Prohibited**

4 FOR the purpose of prohibiting the Department of Health and Mental Hygiene from
5 denying an individual access to a home– and community–based services waiver
6 due to lack of funding if, in addition to existing criteria, the individual is eligible
7 for a certain number of days of nursing facility services paid for by the
8 Maryland Medical Assistance Program; making a technical correction; and
9 generally relating to the Department of Health and Mental Hygiene and the
10 home– and community–based services waiver.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 15–137
14 Annotated Code of Maryland
15 (2009 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 15–137.

20 (a) The Department may not deny an individual access to a home– and
21 community–based services waiver due to a lack of funding for waiver services if:

22 (1) The individual is living in a nursing [home] FACILITY at the time
23 of the application for waiver services;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The [nursing home services for the] individual [were paid] **IS**
2 **ELIGIBLE FOR 30 DAYS OF NURSING FACILITY SERVICES PAID FOR** by the
3 Program [for at least 30 consecutive days immediately prior to the application];

4 (3) The individual meets all of the eligibility criteria for participation
5 in the home– and community–based services waiver; and

6 (4) The home– and community–based services provided to the
7 individual would qualify for federal matching funds.

8 (b) Nothing in this section is intended to result in a reduction of federal
9 funds available to the Department.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2010.